

# REVIEW OF WATER CONSERVANCY BOARDS

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## PROPOSED SCOPE AND OBJECTIVES

JUNE 2004

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STATE OF WASHINGTON  
JOINT LEGISLATIVE AUDIT  
AND REVIEW COMMITTEE

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## WHAT IS A WATER CONSERVANCY BOARD?

A water conservancy board is a unit of local government with authority to make recommendations to the state Department of Ecology regarding **water right transfers and changes**. A water right holder might apply for such a transfer to change where water is used or what it is used for. Applicants have a choice to file their applications with Ecology or with a water conservancy board if a board operates in their county. Ecology reviews board decisions and may affirm, reverse, or modify a board's recommendation.

A county legislative authority may create a water conservancy board (subject to approval by Ecology) via its own resolution or in response to a request by others. Counties then appoint board commissioners to serve staggered, six-year terms. Board commissioners serve in this role as volunteers.

## EVOLUTION OF THE BOARDS

The Legislature authorized the creation of local water conservancy boards in 1997 to help expedite water transfers.<sup>1</sup> Benton and Lewis Counties created the first two boards in 1998. Ten boards followed in 1999. Currently, 21 water conservancy boards operate in Washington, the most recent addition being the Mason County board in September 2002 (see the map on the reverse side).

The boards' authorizing environment has evolved at the same time that the number of boards has grown. The two earliest boards operated under a pilot rule until Ecology adopted a permanent rule in late 1999. In 2000, a Thurston County Superior Court judge ruled that, under the 1997 law, boards could only act on certain types of change applications. The Legislature revisited the board statutes in 2001, making many changes including a clarification that boards may act on applications for all the same types of water right changes as Ecology.<sup>2</sup> The Legislature made minor changes to the water conservancy board statutes in 2004.

## THE JLARC STUDY MANDATE

State law requires Ecology and the Office of Financial Management to report to the Legislature about the boards. However, the Legislature itself has not yet taken an in-depth look at these units of local government that it authorized in 1997. In the 2002 operating budget,<sup>3</sup> the Legislature directed JLARC to conduct this first legislative review of the water conservancy boards.

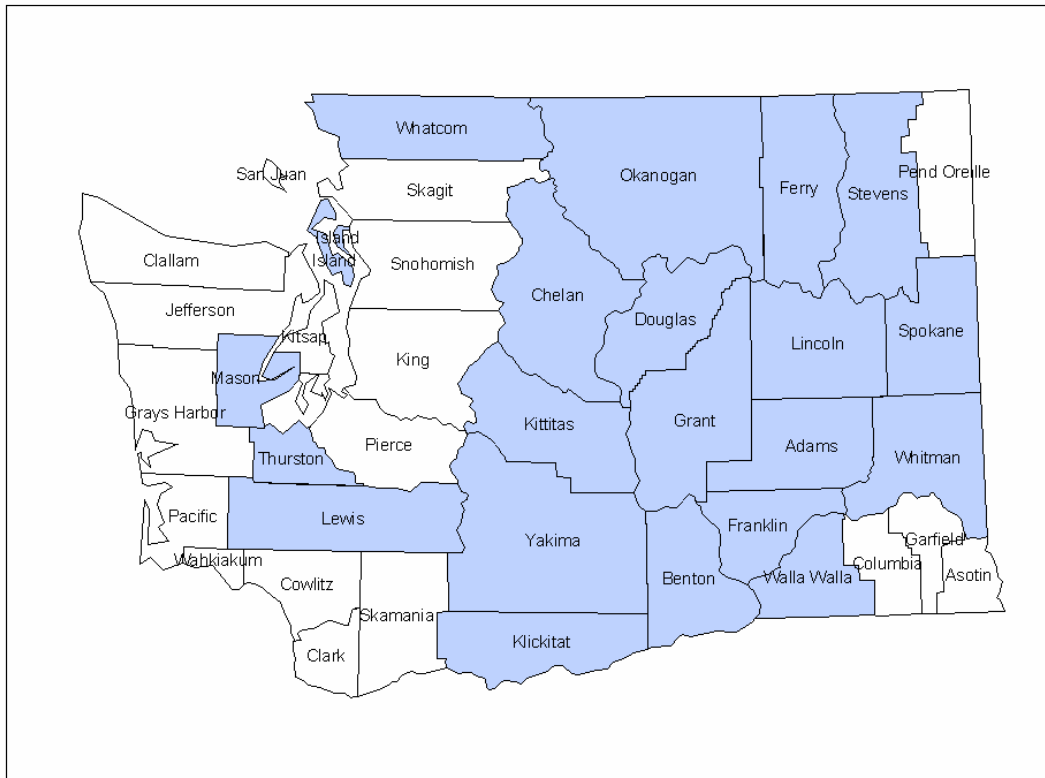
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<sup>1</sup> SHB 1272; C 441 L 97.

<sup>2</sup> Contained in ESHB 1832; C 237 L 01. An exception is that board jurisdiction does not apply within the boundaries of a federal Indian reservation or to tribal trust lands.

<sup>3</sup> ESSB 6387, Section 103; C 371 L02.

## Counties With Water Conservancy Boards As Of June 2004 (Shaded Counties Have Boards)



### PROPOSED STUDY SCOPE AND OBJECTIVES

Consistent with the legislative mandate, JLARC will conduct a review of water conservancy boards. This review will include answers to the following questions about the boards:

- What do the water conservancy boards do?
- What does this work cost the boards?
- What resources do the boards use to pay these expenses?
- What does it cost the Department of Ecology to support the work of the boards?
- How do the volume, speed, and cost of board decisions compare to the volume, speed, and cost of Ecology decisions on water right change applications?
- How do the public participation procedures for the boards compare with those of Ecology for these water right decisions?

### TIMEFRAME FOR THE STUDY

This study will be completed by December 2004.

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